

The Honorable James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEONTAI BERRY and
SHANNON MCCALL,

Defendants.

CASE NO. CR19-230 JLR

ORDER REGARDING TRIAL
DATE

THIS COURT having considered the parties' stipulated motion for a continuance of the trial date and the facts set forth therein, and General Order 07-20 of the United States District Court for the Western District of Washington addressing measures to reduce the spread and health risks from COVID-19, which is incorporated herein by reference, hereby FINDS as follows:

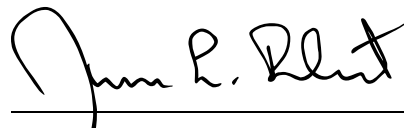
1. In light of the recommendations made by the Centers for Disease Control and Prevention (CDC) and Public Health for Seattle and King County regarding social distancing measures required to stop the spread of this disease as well as the lack of the type of personal protective equipment necessary to ensure the health and safety of all participants it is not possible at this time to proceed with a jury trial.

2. Further, because of the recommendations that individuals at higher risk of contracting this disease –including individuals with underlying health conditions, individuals age 60 and older, and individuals who are pregnant – avoid large groups of people, at this time, it would be difficult, if not impossible, to get a jury pool that would represent a fair cross section of the community. Based on the recommendations it would also be medically inadvisable to do so.
3. As a result, the failure to grant a continuance of the trial date in this case would likely result in a miscarriage of justice. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by continuing the trial in this case outweighs the best interest of the public and the defendant to a speedy trial.

IT IS THEREFORE ORDERED that the parties participate in a status conference on July 2, 2020, at 10:00 a.m. The purpose of the status conference will be to discuss a date on which the trial can be scheduled and take place without any potential impact on the health of all participants or the community.

IT IS FURTHER ORDERED that the period time from the date of this order up to and including the date to be set for the trial at the status conference, shall be excludable time pursuant to 18 U.S.C. § 3161.

Dated this 23rd day of April, 2020.



The Honorable James L. Robart
U.S District Court Judge

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6 Presented by:
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8 /s/ Jessica M. Manca
9 JESSICA M. MANCA
10 Assistant United States Attorney

11 /s/ Cathy Gormley (per approval)
12 CATHY GORMLEY
13 Counsel for Leontai Berry

14 /s/ Christopher Carney (per approval)
15 CHRISTOPHER CARNEY
16 Counsel for Shannon McCall
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